

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE NON JUDICIAL CIVIL FORFEITURE :
PROCEEDING REGARDING \$473,519.11 IN :
UNITED STATES CURRENCY FORMERLY : STIPULATION AND ORDER
ON DEPOSIT IN WELLS FARGO BANK :
ACCOUNT ENDING IN -1102 HELD IN THE : 22 Misc. _____
NAME OF SHEYEN CONSTRUCT INC. :
SEIZED ON OR ABOUT MAY 9, 2022 :
: :
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WHEREAS, on or about May 9, 2022, the United States Secret Service (“USSS”) seized \$473,519.11 in United States currency formerly on deposit in Wells Fargo Bank account ending in -1102 held in the name of Sheyen Construct Inc. (the “Seized Funds”);

WHEREAS, on or about June 30, 2022, the USSS initiated an administrative forfeiture proceeding against the Seized Funds pursuant to Title 18, United States Code, Section 981 by timely sending written notice of its intent to forfeit the Seized Funds to all known interested parties;

WHEREAS, on or about August 3, 2022, the USSS received a claim from OM Select LLC (the “Claimant”) asserting an interest in the Seized Funds;

WHEREAS, the USSS subsequently referred the matter to the United States Attorney’s Office, Southern District of New York for judicial forfeiture;

WHEREAS, no other party has claimed an interest in the Seized Funds;

WHEREAS, the Claimant, by and through its counsel, Evan Norris, Esq., has provided the Government with documentation relating to its interests in the Seized Funds; and

WHEREAS, the Government and the Claimant have agreed to settle this matter without further litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Damian Williams, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Jessica Feinstein, of counsel, and the Claimant, by and through its attorney, Evan Norris, Esq., that:

1. The United States shall promptly return the Seized Funds to the Claimant in a manner consistent with the Automated Clearing House (“ACH”) Form to be completed by Claimant through its attorney, Evan Norris, Esq.

2. The Government’s agreement to this Stipulation and Order is expressly premised upon the truthfulness, accuracy and completeness in every material part of the representations made by the Claimant and its counsel.

3. Upon entry of this Stipulation and Order, Claimant will be barred from asserting, or assisting others in asserting, any claim against the United States Attorney’s Office for the Southern District of New York (“USAO-SDNY”), the Department of Justice (“DOJ”), the United States Department of Treasury (“UST”), the USSS, or agents and employees of the USAO-SDNY, the DOJ, UST, and the USSS in connection with the seizure and/or possession of the Seized Funds, including but not limited to any claim that there was no probable cause to seize and hold the Seized Funds, or for costs or attorney’s fees.

4. The parties hereby waive all rights to challenge or contest the validity of this Stipulation and Order.

5. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of any petition, claim and/or defenses that may be asserted respectively by the United States and the Claimant.

6. This Stipulation and Order constitutes the complete agreement of the parties

and may not be amended without express written authorization from all parties.

7. This Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

8. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Fax copies shall be treated as originals.

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AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:




JESSICA FEINSTEIN
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2276

10/12/22

DATE

OM SELECT LLC, Claimant

By:



Jane Mendillo
Co-Manager for Claimant, OM Select LLC
551 Fifth Avenue, Suite 2800
New York, New York 10176

10/12/2022

DATE

By:



Evan Norris, Esq.
Cravath, Swaine & Moore, LLP
825 Eighth Avenue
New York, New York 10019
(212) 474-1524
Attorney for Claimant, OM Select LLC

10/12/22

DATE

SO ORDERED:

HON.
UNITED STATES DISTRICT JUDGE

DATE